

AMENDMENT
S/N 10/506,953, FILED 09/07/2004

PATENT
375-102(US)

AMENDMENT TO THE DRAWING

Pease approve the changes to Figures 8 and 21 and new Figures 8(A) and 21(A).

REMARKS

The above-reference Office Action has been carefully reviewed and reconsideration thereof is respectfully requested.

Claims 14-31 have been cancelled.

The Examiner has objected to the drawings. It is believed that new Figures 8(B) and 21(B) fully comply with the grounds of objection.

Claims 29-31 have been renumbered 28-30.

Claims 11 and 12 have been rejected under 35 USC 112, second paragraph, as being indefinite. It is believed that the above amendment to Claim 11 overcomes this ground of rejection.

Claims 1-4, 13, and 14 have been rejected under 35 USC 102(b) as being anticipated by Lunzer. Applicants respectfully traverse this ground of rejection, partially in view of the above amendments to some of the claims.

Regarding Claim 1, it is respectfully submitted that the Examiner is incorrect in asserting the elements c and d of Lunzer represent a capillary. Lunzer refers, at column two, line 3, to element c as showing a metal tube or nozzle. Lunzer refers, at column two, lines 6 and 7, to element d as showing a marking tip or pad of felt or other suitable equivalent material. Furthermore, Lunzer, at column one, lines 20-23, and column two, lines 15-28, describes the elements of his design being arranged such that mechanical compression of the ink-containing sac saturates element d. One advantage of this arrangement, as explained by Lunzer at column two, lines 27 and 28, is that the supply of ink to the tip can be regulated as required. Applicants' device, on the other hand, employs a capillary to transport liquid to the upper end of the capillary. In other words,

the action of transportation in Applicants' device is automatic, not mechanically controlled as with the device of Lunzer.

Regarding Claim 2, the Lunzer reference does not show a top sealing an upper portion of a capillary.

Regarding Claim 3, that claim has been amended to more particularly point out and distinctly claim that the horizontal ledge does not extend around the middle portion. Support for this amendment is found, for example, from inspection of Figure 1 and the accompanying text. Having the horizontal ledge extending around the middle portion would make it difficult to separate from the bottom.

Regarding Claim 4, that claim has been amended to more particularly point out and distinctly claim that the flange does not extend around the top. Having the ledge extending around the top would make it difficult to separate from the middle portion.

Regarding Claims 13 and 14, it is not seen how Lunzer shows the structure claimed.

Claims 1-6 have been rejected under 35 USC 102(b) as being anticipated by Wada et al. Applicants respectfully traverse this ground of rejection, partially in view of the above amendments to some of the claims.

Regarding Claim 1, that claim has been amended to more particularly point out and distinctly claim that the capillary draws liquid from the reservoir tube and to the upper portion of the capillary without the liquid being contained in a temporary storage member. Support for this amendment is found, for example, from inspection of Figure 1 and the accompanying text.

Regarding Claims 3 and 4, the above amendments to those claims fully overcome the present grounds of rejection.

Regarding Claims 5 and 6, it is not seen how the mounting clip of the reference could be used to attach the device of Wada et al. to a stethoscope.

Claims 5-7 have been rejected under 35 USC 103(a) as being unpatentable over Lunzer in view of Taylor. Applicants respectfully traverse this ground of rejection and incorporate here the above remarks with respect to Lunzer.

The Taylor reference does not show a clip. What the Taylor reference does show is a leg pouch with upper and lower, very flexible arms that are joined together with Velcro, not the relatively inflexible upper and lower arms that are capable of being bent around the tubes of a stethoscope. Combining the Taylor reference with the Lunzer reference would not result in a device that has upper and lower arms that are capable of being bent around the tubes of a stethoscope, only a device in which the upper and lower arms can be attached to themselves by means of Velcro.

Claims 8 and 9 have been rejected under 35 USC 103(a) as being unpatentable over Lunzer. Applicants respectfully traverse this ground of rejection and incorporate here the above remarks with respect to Lunzer.

Applicants disagree that it would be a mere choice of a preferred material for the reservoir tube and the capillary.

Claim 10 has been rejected under 35 USC 103(a) as being unpatentable over Lunzer. Applicants respectfully traverse this ground of rejection and incorporate here the above remarks with respect to Lunzer.

Applicants disagree that it would be a mere choice of a preferred material for the clip.

Claim 7 has been rejected under 35 USC 103(a) as being unpatentable over Wada et al. in view of West. Applicants respectfully traverse this ground of rejection and incorporate here the above remarks with respect to Wada et al.

It is noted that Figure 3 cited by the Examiner shows a pouch having a clip into which pouch the stethoscope is inserted. Nothing is attached to the stethoscope. Also on Figure 3, the cord is placed around the neck of the user, not bent around the tubes of a

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stethoscope. Furthermore, column 5 pointed to by the Examiner refers to a strap that may be placed around the waist of the medical examiner – it does not specify whether the strap is upper or lower on the pouch – in any case, the strap is not bent around the tubes of a stethoscope. Combining West with Wada et al. does not result in a pouch having upper and lower arms adapted to be bent around the tubes of a stethoscope.

Claims 8 and 9 have been rejected under 35 USC 103(a) as being unpatentable over Wada et al. Applicants respectfully traverse this ground of rejection and incorporate here the above remarks with respect to Wada et al.

Applicants disagree that it would be a mere choice of a preferred material for the reservoir tube and the capillary.

Claim 10 has been rejected under 35 USC 103(a) as being unpatentable over Wada et al. Applicants respectfully traverse this ground of rejection and incorporate here the above remarks with respect to Wada et al.

Applicants disagree that it would be a mere choice of a preferred material for the clip.

The Examiner has indicated that Claims 11 and 12 would be allowable if rewritten to overcome the rejections under 35 USC 112, second paragraph, and to include the limitation of the base claim and any intervening claims. New Claims 31 and 32 are Claims 11 and 12 so rewritten.

In view of the above amendments and remarks it is believed that the claims in the application, Claims 1-14, 31, and 32, are allowable and early action in that regard is respectfully requested

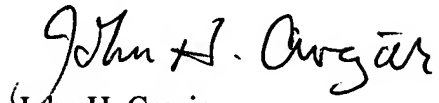
Should the Examiner have any questions with respect to the claims or any suggestions as to the wording thereof, the undersigned would be grateful for a telephone conference with the Examiner.

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Date: February 9, 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John H. Crozier". The signature is fluid and cursive, with the first name "John" being the most prominent.

John H. Crozier
Reg. No. 30,371
1934 Huntington Turnpike
Trumbull CT 06611-5116
Tel: (203) 375-9118
Fax: (203) 378-8108